

MINUTES OF A REGULAR MEETING OF FREDERICTON CITY COUNCIL

Date: Monday, February 13, 2023, 7:30 p.m.
Location: Council Chamber and Via Web Conferencing

Members of Council Present: Mayor Kate Rogers
Deputy Mayor Greg Ericson
Councillor Margo Sheppard
Councillor Mark Peters
Councillor Henri Mallet
Councillor Jason LeJeune
Councillor Steven Hicks
Councillor Eric Megarity
Councillor Kevin Darrah
Councillor Ruth Breen
Councillor Cassandra LeBlanc

Members of Council Absent: Councillor Jocelyn Pike
Councillor Bruce Grandy

Staff Participating in the Meeting: Steven Hart, Chief Administrative Officer
Sara DeGrace, Deputy Chief Administrative Officer (Zoom)
Jennifer Lawson, City Clerk/Assist. Dir., Legal, City Clerk & HR
Michelle Brzak, City Solicitor
Jane Blakely, Director, Legal City Clerk & Human Resources
Ken Forrest, Director, Planning & Development
Dylan Gamble, Director, Engineering & Operations
Nina McCarthy, Deputy Fire Chief (Zoom)
Alicia Keating, Ass. Dir., Corporate Services/City Treasurer (Zoom)
Marcello Battilana, Assistant Director, Planning & Development
Wayne Knorr, Manager, Communications
Jessica Sharpe, Technician
Elizabeth Murray, City Marshal
Doreen Nakhle, Recording Secretary

Guests: Jordan Trethewey, Poet Laureate
Mat Fitzgerald, Fredericton Toboggan Team
Adam Valentiate, Fredericton Toboggan Team
Norm Betts, Fredericton Toboggan Team
Derick Weeks, Fredericton Toboggan Team
Simon Pacey, Fredericton Toboggan Team
Weston Frontin, Fredericton Toboggan Team
Ken Morrison, Fredericton Toboggan Team

Barry Morrison, Fredericton Toboggan Team

CALL TO ORDER

Her Worship, Mayor Kate Rogers called the meeting to order at 7:36 p.m.

MOMENT OF REFLECTION

Her Worship, Mayor Kate Rogers read the following territorial acknowledgment during the Moment of Reflection:

I acknowledge that this meeting of Fredericton City Council is taking place on traditional Wolastoqey territory. The territory of the Wolastoqiyik people are recognized in the Peace and Friendship Treaties to establish an ongoing relationship of peace, friendship and mutual respect between equal nations. The river that runs through our City is known as the Wolastoq, along which lived the Wolastoqiyik, “the people of the beautiful and bountiful river.”

Jordan Trethewey, Poet Laureate read the following poems:

- "Daughter Please"
- "Tag This".

APPROVAL OF AGENDA

Jennifer Lawson, City Clerk informed Council that the following items have been added to the approval of the agenda:

- Item 10.2 Agreement between City of Fredericton and All In Research & Innovations Inc. - Building Safer Communities Project
- Item 10.3 Code of Conduct Complaint - Mark D'Arcy v. Deputy Mayor Greg Ericson

Moved by: Councillor Jason LeJeune

Seconded by: Councillor Eric Megarity

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the February 13, 2023, City Council agenda with the following additional items under the Other Matters Section:

- **Item 10.2 Agreement between City of Fredericton and All In Research & Innovations Inc. - Building Safer Communities Project**
- **Item 10.3 Code of Conduct Complaint - Mark D'Arcy v. Deputy Mayor Greg Ericson**

CARRIED

CONFLICT OF INTEREST DECLARATIONS

Councillor Mark Peters declared a conflict of interest on agenda item 8.2 *By-law No. Z-5.283 - Brookside Drive - Rezoning (M & M Hill Capital and Investments Ltd.)*

CONSENT AGENDA

Moved by: Councillor Henri Mallet

Seconded by: Councillor Kevin Darrah

BE IT RESOLVED that the Council of the City of Fredericton hereby approves collectively the recommendations set out under the consent agenda.

Wear Red Canada Day Proclamation (February 13, 2023)

BE IT RESOLVED that the Wear Red Canada Day Proclamation be received and placed on file.

Congenital Heart Disease Awareness Week Proclamation (February 7-14, 2023)

BE IT RESOLVED that the Congenital Heart Disease Awareness Proclamation be received and placed on file.

Heron Drive Extension – Assent of Council (City of Fredericton)

BE IT RESOLVED that the street name “Donmac Court” be approved and the final plan of subdivision prepared by Eastern Land Surveys (1993) Ltd., titled “SUBDIVISION PLAN BROOKSIDE WEST SUBDIVISION 2022-2 showing Lots 22-127 to 22-134 & Lot 23-02, LANDS for PUBLIC PURPOSES, DONMAC COURT, HERON DRIVE, CITY OF FREDERICTON, COUNTY OF YORK, PROVINCE OF NEW BRUNSWICK” receive the Assent of Council pursuant to Section 88(1) of the *Community Planning Act*.

By-law Officer Appointments

BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes, appoints, and designates Sachin BANSAL, Susan Lee Marie HOLT, and Joel KEEGAN as By-law Enforcement Officers effective immediately, pursuant to Section 72 of the *Local Governance Act* and subsection 14(3) of the *Police Act*, in order to administer and enforce the following by-laws within the territorial boundary of the City of Fredericton:

- **By-law No. R-6, A By-law to Regulate Taxi Owners and Operators of the City of Fredericton, and amendments thereto;**
- **By-law No. S-9, A By-law to Prevent Nuisances, and amendments thereto;**
- **By-law No. S-15, A Fire Lane By-law for the City of Fredericton, and amendments thereto;**
- **By-law No. T-1, A By-law to Regulate Traffic, and amendments thereto;**
- **By-law No. T-6, A By-law Respecting Public Motor Buses, and amendments thereto;**
- **By-law No. T-7, A By-law Relating to Parking Meters, Parking Zones, and Pay and Display Machines, and amendments thereto;**
- **By-law No. T-8, A By-law Relating to Loitering and Begging in the City of Fredericton, and amendments thereto; and,**

BE IT FURTHER RESOLVED that these appointments shall continue until Sachin BANSAL, Susan Lee Marie HOLT, and Joel KEEGAN cease to be employed by the Garda Canada Security Corporation; or until their appointments under this resolution are rescinded by City Council, whichever comes first.

Fredericton Police Organizational Chart 2023

BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and directs staff of the Legal Division to draft the appropriate by-law to amend By-law No. A-24, A By-law Respecting the Provision of Police Protection Service in the City of Fredericton to reflect the updated organizational structure of the Fredericton Police Force attached hereto as Schedule “A”.

Heart and Stroke Foundation Door to Door Campaign

BE IT RESOLVED that approval be given to the Heart and stroke Foundation of New Brunswick to canvass door to door in the City of Fredericton from February 2023 to June 2023.

ECONOMIC VITALITY COMMITTEE REPORT

Appointment of a Member to the Affordable Housing Committee - Amy Gorham

BE IT RESOLVED that the Council of the City of Fredericton hereby appoints Amy Gorham, with Gorham Real Estate to the Affordable Housing Committee for a two-year term expiring December 31, 2025.

CARRIED

APPROVAL OF MINUTES

Minutes of the Regular Meeting of City Council - November 14, 2022

Moved by: Deputy Mayor Greg Ericson

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the Council of the City of Fredericton hereby approves the November 14, 2022, City Council minutes.

CARRIED

PRESENTATIONS

Fredericton Toboggan Club

Her Worship Mayor Kate Rogers introduced the Fredericton Toboggan Team, also famously known as the Crazy Canucks. Earlier this month the team competed in the U.S. National Toboggan Championship in Camden, Maine, where they won first place for the best crafted toboggan. The team also took home bronze on the four-man downhill run. The Fredericton Toboggan Team consists of the following members:

- Mat Fitzgerald
- Adam Valentiate
- Norm Betts
- Derick Weeks
- Simon Pacey
- Weston Frontin
- Ken Morrison
- Barry Morrison

FIRST AND SECOND READING OF BY-LAWS

By-law No. A-24.1 - Amendments to the Fredericton Police Force Organizational Chart

By-law No. A-24.1, A By-law to Amend By-law No. A-24, A By-law Respecting the Provision of Police Protection Service in the City of Fredericton

- First Reading of By-law No. A-24.1, by title
- Second Reading of By-law No. A-24.1, by title

Moved by: Councillor Steven Hicks

Seconded by: Councillor Ruth Breen

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. A-24.1, A By-law to Amend By-law No. A-24 A By-law Respecting the Provision of Police Protection Service in the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Steven Hicks

Seconded by: Councillor Ruth Breen

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. A-24.1, A By-law to Amend By-law No. A-24, A By-law Respecting the Provision of Police Protection Service in the City of Fredericton, second reading by title.

CARRIED

(Councillor Mark Peters retired from the room at 8:00 p.m.)

By-law No. Z-5.283 - Brookside Drive - Rezoning (M & M Hill Capital and Investments Ltd.)

By-law No. Z-5.283, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Receipt of the Planning Advisory Committee Report
- Hearing of Objections/Support
- First Reading of By-law No. Z-5.283, by title
- Second Reading of By-law No. Z-5.283, by title

Moved by: Councillor Margo Sheppard

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the Council of the City of Fredericton hereby receives the Report of the Planning Advisory Committee, dated February 2, 2023, recommending approval of an application from M & M Hill Capital & Investments Ltd., to rezone from Future Development (FD) to Residential Mini-Home Zone (RMH), Park Zone (P) and Environmental & Open Space Zone (EOS) on property located at Brookside Drive, subject to terms and conditions.

CARRIED

(Councillor Mark Peters was absent for the vote)

Public Hearing

The City Clerk, Jennifer Lawson advised that there were no written letters of Objection or Support received by the City Clerk's Office.

Moved by: Councillor Margo Sheppard

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.283, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, first reading by title.

CARRIED

(Councillor Mark Peters was absent for the vote)

Moved by: Councillor Margo Sheppard

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.283, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, second reading by title.

CARRIED

(Councillor Mark Peters was absent for the vote)

(Councillor Mark Peters returned to the meeting at 8:02 p.m.)

By-law No. Z-5.284 - 100 Cuffman Street - Zone Amendment (D.P. Developments Ltd.)

By-law No. Z-5.284, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton

- Receipt of the Planning Advisory Committee Report
- Hearing of Objections/Support
- First Reading of By-law No. Z-5.284, by title
- Second Reading of By-law No. Z-5.284, by title

Moved by: Councillor Eric Megarity

Seconded by: Councillor Cassandra LeBlanc

BE IT RESOLVED that the Council of the City of Fredericton hereby receives the Report of the Planning Advisory Committee, dated February 2, 2023, recommending approval of an application from D.P. Developments Ltd., to rezone portions of PID 75478792 from Residential Zone Five Holding (R-5(H)) and Multi-Residential Zone Two (MR-2) to Multi-Residential Zone Four (MR-4), Residential Zone Five Holding (R-5(H)) to Multi-Residential Zone One (MR-1), Residential Zone Two Holding (R-2(H)) and Residential Zone Five Holding (R-5(H)) to Multi-Residential Zone Two (MR-2), and Residential Zone Two Holding (R-2(H)) and Residential Zone Five Holding (R-5(H)) to Residential Zone Three (R-3), to accommodate a multi-residential development on property located at 100 Cuffman Street, subject to terms and conditions.

CARRIED

Public Hearing

The City Clerk, Jennifer Lawson advised that there were no written letters of Objection or Support received by the City Clerk's Office and that there was an individual that wanted to speak.

Brett Gibbons voiced his concerns about:

- Multi residential units causing traffic issues especially during the winter when tenants have to park on the street for snow removal in the parking lots.
- Wildlife and environmental concerns.
- Homeowner piece for future younger generations that will not have many options for single detached homes.

Moved by: Councillor Eric Megarity

Seconded by: Councillor Cassandra LeBlanc

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.284, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, first reading by title.

CARRIED

Moved by: Councillor Eric Megarity

Seconded by: Councillor Cassandra LeBlanc

BE IT RESOLVED that the Council of the City of Fredericton hereby gives By-law No. Z-5.284, A By-law to Amend By-law No. Z-5, A Zoning By-law for the City of Fredericton, second reading by title.

CARRIED

COMMITTEE REPORTS

Economic Vitality Committee Update (January 26, 2023)

Councillor Jason LeJeune, Chair of the Economic Vitality Committee provided highlights of the agenda items that came forward to the Economic Vitality Committee Meeting on January 26, 2023.

Agenda items included:

- Heritage Program Update
- FROSTival Update
- Year End Development Activity 2022

Governance & Civic Engagement Committee Update (February 2, 2023)

Deputy Mayor Greg Ericson, Chair of the Governance & Civic Engagement Committee meeting provided highlights of the agenda items that came forward to the Governance & Civic Engagement Committee meeting on February 2, 2023.

Agenda items included:

- Council Dashboard Update
- Support to Members of Council

Deputy Mayor Greg Ericson also informed Council that there was a closed session pursuant to the *Local Governance Act* 68(1)(c).

Public Safety Committee Update (February 9, 2023)

Councillor Steven Hicks, Chair of the Public Safety Committee provided highlights of the agenda items that came forward to the Public Safety Committee Meeting on November 10, 2022.

Agenda items included:

- Fredericton Police Force Action Plan Update

OTHER MATTERS

Capital Region Service Commission (RSC 11) Update

Deputy Mayor Greg Ericson informed Council that on February 7, 2023 he attended the first Capital Region Service Commission meeting of the new board and the following items were discussed:

- Conflict of interest.
- Committee systems and staff was asked to return with a report and a vision to increasing the numbers of committees to reflect the new mandate of the Regional Service Commissions and to make it possible for people other than the mayor and deputy mayor to serve.
- Increasing the number of committees to include the new mandates for transportation and social inclusion which will be formally approved at future meetings for the Capital Region Service Commission

Agreement between City of Fredericton and All In Research & Innovations Inc. - Building Safer Communities Project (Additional Item)

Moved by: Councillor Eric Megarity

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the Council of the City of Fredericton hereby authorizes and approves the agreement between the City of Fredericton and All In Research & Innovations Inc. with respect to developing a multi-year strategic plan that will strengthen efforts to prevent youth from engaging in criminal behaviour and entering the criminal justice system as part of a Building Safer Communities Project for a term of one (1) year commencing on February 1, 2023 and expiring on January 31, 2024 with two (2) optional one (1) year Renewal Terms at the sole discretion of the City of Fredericton (the “Agreement”) for Ninety-Four Thousand Dollars (\$94,000.00), HST extra; and

BE IT FURTHER RESOLVED that the Mayor and City Clerk are authorized to execute the Agreement on behalf of the local government and such further legal documents as may be required to facilitate the Agreement and this resolution.

CARRIED

Code of Conduct Complaint – Mark D’Arcy v. Deputy Mayor Greg Ericson (Additional Item)

Moved by: Councillor Ruth Breen

Seconded by: Councillor Henri Mallet

WHEREAS Mr. D’Arcy filed a complaint against Deputy Mayor Greg Ericson on August 19, 2022 alleging violations of By-law No. A-22, A By-law Establishing a Code of Conduct for Members of City Council of the City of Fredericton;

WHEREAS City Council considered the report from the external investigator Mr. Morrisset of Stewart McKelvey dated February 1, 2023.

BE IT RESOLVED THAT the Council of the City of Fredericton hereby determines after consideration of the matter, that we concur with the findings of the external investigator Mr. Morrisset of Stewart McKelvey, and that the complaint is not founded, there was no breach of the Code of Conduct By-law, and as such, no sanctions will be imposed upon Deputy Mayor Ericson.

CARRIED

MOTION TO EXCUSE

Moved by: Councillor Mark Peters

Seconded by: Councillor Kevin Darrah

BE IT RESOLVED that Councillors Jocelyn Pike and Bruce Grandy be excused from the February 13, 2023 Regular City Council meeting.

CARRIED

ADJOURNMENT

Moved by: Councillor Margo Sheppard

Seconded by: Councillor Steven Hicks

BE IT RESOLVED that the meeting adjourn at 8:29 p.m.

CARRIED

Kate Rogers,
Mayor

Jennifer Lawson,
City Clerk